



General Assembly

***Amendment***

*January Session, 2007*

LCO No. 8869

**\*SB0016708869HDO\***

Offered by:  
REP. JOHNSTON, 51<sup>st</sup> Dist.

To: Subst. Senate Bill No. 167

File No. 560

Cal. No. 704

(As Amended by Senate Amendment Schedule "A")

***"AN ACT REVISING THE PROCESS FOR THE TAKING OF REAL  
PROPERTY BY MUNICIPALITIES FOR REDEVELOPMENT AND  
ECONOMIC DEVELOPMENT."***

1 Change the effective date of section 1 to "Effective from passage and  
2 applicable to the process for acquiring property on or after said date"

3 Strike subdivision (1) of subsection (c) of section 1 in its entirety and  
4 substitute the following in lieu thereof:

5 "(c) (1) With respect to real property acquired by eminent domain  
6 pursuant to this section prior to, on or after the effective date of this  
7 section, if the municipality does not use the real property for the  
8 purpose for which it was acquired or for some other public use and  
9 seeks to sell the property, the municipality shall first offer the real  
10 property for sale pursuant to subdivision (2) of this subsection to the  
11 person from whom the real property was acquired, or heirs of the  
12 person designated pursuant to subdivision (2) of this subsection, if

13 any, for a price not to exceed the lesser of (A) the amount paid by the  
14 development agency to acquire the property, or (B) the fair market  
15 value of the property at the time of any sale under this subsection.  
16 After the municipality provides notice pursuant to subdivision (2) of  
17 this subsection, the municipality may not sell such property to a third  
18 party unless the municipality has permitted the person or named heirs  
19 six months during which to exercise the right to purchase the property,  
20 and an additional six months to finalize the purchase if the person or  
21 named heirs provide the municipality with notice of intent to purchase  
22 the property within the initial six-month period."

23 Change the effective date of section 2 to "Effective from passage and  
24 applicable to the process for acquiring property on or after said date"

25 Strike subdivision (1) of subsection (b) of section 2 in its entirety and  
26 substitute the following in lieu thereof:

27 "(b) (1) With respect to real property acquired by eminent domain  
28 pursuant to this section prior to, on or after the effective date of this  
29 section, if the municipality does not use the real property for the  
30 purpose for which it was acquired or for some other public use and  
31 seeks to sell the property, the municipality shall first offer the real  
32 property for sale pursuant to subdivision (2) of this subsection to the  
33 person from whom the real property was acquired, or heirs of the  
34 person designated pursuant to subdivision (2) of this subsection, if  
35 any, for a price not to exceed the lesser of (A) the amount paid by the  
36 redevelopment agency to acquire the property, or (B) the fair market  
37 value of the property at the time of any sale under this subsection.  
38 After the municipality provides notice pursuant to subdivision (2) of  
39 this subsection, the municipality may not sell such property to a third  
40 party unless the municipality has permitted the person or named heirs  
41 six months during which to exercise the right to purchase the property,  
42 and an additional six months to finalize the purchase if the person or  
43 named heirs provide the municipality with notice of intent to purchase  
44 the property within the initial six-month period."

45 Change the effective date of section 3 to "Effective from passage and  
46 applicable to the process for acquiring property on or after said date,  
47 and applicable to development plans adopted on or after said date"

48 Strike subdivision (1) of subsection (j) of section 3 in its entirety and  
49 substitute the following in lieu thereof:

50 "(j) (1) With respect to real property acquired by condemnation  
51 pursuant to this section prior to, on or after the effective date of this  
52 section, if the municipality does not use the real property for the  
53 purpose for which it was acquired or for some other public use and  
54 seeks to sell the property, the municipality shall first offer the real  
55 property for sale pursuant to subdivision (2) of this subsection to the  
56 person from whom the real property was acquired, or heirs of the  
57 person designated pursuant to subdivision (2) of this subsection, if  
58 any, for a price not to exceed the lesser of (A) the amount paid by the  
59 implementing agency to acquire the property, or (B) the fair market  
60 value of the property at the time of any sale under this subsection.  
61 After the municipality provides notice pursuant to subdivision (2) of  
62 this subsection, the municipality may not sell such property to a third  
63 party unless the municipality has permitted the person or named heirs  
64 six months during which to exercise the right to purchase the property,  
65 and an additional six months to finalize the purchase if the person or  
66 named heirs provide the municipality with notice of intent to purchase  
67 the property within the initial six-month period."